

**From:** Kelly Wright <kwright@sbtribes.com>  
**Sent:** Tuesday, March 25, 2014 3:05 PM  
**To:** Barbara Ritchie (BARBARA.RITCHIE@fmc.com)  
**Cc:** Rochlin, Kevin; Bill Bacon; mechohawk; Wendy Farmer; Virginia Monsisco; Jill Grant (jgrant@jillgrantlaw.com)  
**Subject:** FW: Business License- Contractors at FMC  
**Attachments:** BusLicense110\_01APPLICATION.pdf  
  
**Categories:** Lepic 3-22 to 4-4

Barbara, I need to see if I can get a list of contractors that will be working on site for FMC CERCLA Remediation activities. I have also included a copy of the application that must be filled out and submitted to the Tribal Licensing Department. As you are well aware, all contractors on the Reservation are required to have a Business license.

Thanks  
Kelly

From: Wendy Farmer  
Sent: Tuesday, March 25, 2014 12:58 PM  
To: Susan Hanson; Kelly Wright; Virginia Monsisco  
Subject: RE: Business License- Contractors at FMC

All contractors are required to obtain a tribal business license.

If you have any questions, please contact me at 238-0680 X102

## GENERAL INFORMATION

**Shoshone-Bannock Tribes** The membership of the Shoshone and Bannock Tribes consist of all persons of Indian blood whose names appear on the official census roll of the Shoshone and Bannock Tribes as of January 1, 1935, and all children born to any member of the Shoshone-Bannock Tribes who is a resident of the reservation at the time of birth and of said children.

**Treaty with the Shoshone and Bannocks** The Fort Bridger Treaty was made and concluded on July 3, 1868, by and between Commissioners, on part of the United States and Chief's and Headmen of the Shoshone and Bannock Tribes.

**Fort Hall Indian Reservation – Territory** The Treaty establishes the original boundaries of the Fort Hall Indian Reservation that was set aside for the Shoshone and Bannock Tribes. The original acres set aside were 1,202,329.6 acres. 2001 – Currently, the Fort Hall Reservation consists of 543,932 acres. 97.5% is Tribal or individual tribal members owned. The Reservation covers lands within 4 Idaho counties – Bingham, Bannock, Power & Caribou. The territory jurisdiction of the Shoshone-Bannock Tribes extends to the territory within the present confines of the Fort Hall Reservation and to such other lands without such boundaries as may be added under any law of the United States, except as otherwise provided by law.

**Constitution and Bylaws (1936)** Pursuant to an order approved March 13, 1936, the Secretary of the Interior, submitted for ratification to the members of the Shoshone and Bannock Tribes to vote for the Constitution and Bylaws for the Tribes. The vote turned favorable to approve the Constitution and Bylaws thereby creating order to establish a more responsible government, promote our general welfare, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with Federal laws.

**Business License Act (1992)** The Shoshone-Bannock Tribes have a primary interest in regulating the conduct of business and trade on the Fort Hall Indian Reservation. Thus, it is appropriate that all persons who exercise the privilege of engaging in business on the Fort Hall Indian Reservation register and obtain a business license from the Shoshone-Bannock Tribes Business License Department.

The Shoshone-Bannock Tribes have jurisdiction to adopt and enforce this Act upon all persons conducting business on the Fort Hall Indian Reservation. Land Use Commission v. A & J's Market Civ. C-89-63 (1990). Tribal jurisdiction is necessary to protect the culture, social structure, economy, health, safety, welfare, resources and population of the Fort Hall Indian Reservation.

The Business License Act was adopted by the Shoshone-Bannock Tribes in accordance with the provision of the treaty and the Indian Reorganization Act and that such power still exists and is a necessary instrument of self-government and territorial management. Authority for the Business License Act, FHBC-92-S-1, April 15, 1992, is found in the Indian Reorganization Act of June 18, 1934 (48 Stat., 984) as amended and under Article VI, Section 1 (a,h,k,l,r,s) and Article VI, Section 2 of the Tribal Constitution.

**Business License Requirement.** The Business License Act (92) FHBC-92-S-1 states:

**Section 301. Business License Required.** No person shall engage or carry on any trade, business, profession, or commercial activity of any sort for which a license may be required by this Act until a business license is obtained, except as exempt under Section 204.

**Section 302. Business License Term.** 1) A Business License shall be good for the calendar year wherein it is granted. All business licenses shall be renewed on or before January 1 of each year and shall expire on December 31 of the same calendar year. The license fee as established in Section 303 shall accompany the application for a business license. 2) If a Business License is issued for less than the entire calendar year the license fee shall be reduced by 1/12<sup>th</sup> for each full month of such license year that the license was not issued. 3) A Business License application form may be obtained during regular business hours at the Business License Department. The license required to be obtained under this Act shall be in addition to all other license, fees, permits, contracts, leases and grants required by Tribal law.

**Section 303. License Fee Schedule.** The fee schedule for business licenses shall be effective as follows: Items 1-11 is \$150.00. 1) Commerce; 2) Manufacturing & Processing; 3) Mining; 4) Service; 5) Construction; 6) House Court (1-10) units per project; 7) Transportation; 8) Communications; 9) Utility; 10) Real Estate Agencies; 11) Oil and Gas Lease/extractions per well; 12) Peddler's License (per day) \$25.00

**Section 304. Temporary Business License.** A Temporary Business License shall be valid for three months from date of issuance. A license fee of \$50.00 shall accompany the application for a temporary business license.

**Section 401. License Issuance Procedures.** 1) Within ten (10) working days after receipt of an application and fee as provided in Section 303 and 304, the Business License Department shall issue to the applicant a license to engage in business activity on the Reservation. The said license to engage in business activity shall indicate the kind(s) and location(s) of business activity for which the entity has been approved. 2) Complete the application form and routing list. 3) Notwithstanding subsection 1 of this section, no license shall be granted to any licensee until it has presented proof to the Business License Department that it has complied with all Tribal requirements established as conditions of commencing business on the Reservation, including, but not limited to, the following (a) pursuant to the Shoshone-Bannock Tribes contract and employment preference ordinance, evidence that the entity submitted to the Shoshone Bannock Tribal Employment Rights Office (TERO) the compliance plans required by that Ordinance and has had such plans approved by TERO, (b) pursuant to the Shoshone-Bannock Tribes Land Use Ordinance and has obtained such permits and approvals required by that Ordinance.

**Section 402. Form Required.** 1) Prior to engaging in any business, all person(s) shall file with the Business License Department the necessary forms as required by this Act, which shall constitute an application for business, a routing list, and a registration certificate. 2) Prior to engaging in any business on the Reservation, all persons shall have in their possession (a) a Certificate of Registration; and (b) a Business License duly issued by the Shoshone-Bannock Tribes.

**Section 403. Display of License.** All persons shall display the issued Certificate of Registration and Business License in a conspicuous place at the business location listed on the Certificate.

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**RETURN APPLICATION AND FEE TO:**  
**Shoshone-Bannock Tribes Business License Department**  
**P.O. Box 808 / 14 North Mission**  
**Fort Hall, Idaho 83203**  
**Telephone (208) 238-0680 / Fax (208) 238-0677**



Business License Department  
SHOSHONE-BANNOCK TRIBES  
P.O. Box 808 / 14 North Mission  
Fort Hall, ID 83203  
(208) 238-0680 / Fax (208) 238-0677

1. Type of business						<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Partnership	<input type="checkbox"/> S Corporation	<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Partnership
						<input type="checkbox"/> Non-Profit	<input type="checkbox"/> Government	<input type="checkbox"/> Fiduciary/Trust	<input type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Limited Liability Sole Proprietor
2. Date incorporated			3. State Incorporated			4. Tax year end			5. Date business began	
6. Type of license						<input type="checkbox"/> Peddler (1 day) \$25.00 <input type="checkbox"/> Temporary (3 Months) \$50.00				
						<input type="checkbox"/> Annual (January - December) \$150.00 <input type="checkbox"/> Solicitors Card (Tribal Members ONLY)				
7. Purpose of Registration						<input type="checkbox"/> New Business		<input type="checkbox"/> Change legal name		<input type="checkbox"/> Change in partners or shareholders ____%
						<input type="checkbox"/> Change business name		<input type="checkbox"/> New Location		<input type="checkbox"/> Renewal
8. Federal employers identification (EIN)						9. Social Security Number (SSN)				
10. Legal Business Name (see instructions)						11. Assumed Business Name (D.B.A.)				
12. Mailing Address		Street address or PO Box			City		State		Zip Code	
13. Physical location of business		Street address			City		State		Zip Code	
14. Physical location(s) of business service on Reservation										
15. Contact person (Name and Title)				16. Business Telephone			17. Business Fax		18. Cell phone	
19. Primary nature of business on the Fort Hall Indian Reservation (describe product/service)										
20. Date to begin in Fort Hall			21. Indicate if business is considered:				22. Indicate if business is considered:			
			<input type="checkbox"/> Small Business <input type="checkbox"/> Minority Business <input type="checkbox"/> Woman Owned Business				<input type="checkbox"/> TERO Certified (please attach) <input type="checkbox"/> Indian-Owned Economic Enterprise <input type="checkbox"/> Tribal Member-Owned Economic Enterprise			
23. Did you acquire an existing business?										
<input type="checkbox"/> Yes <input type="checkbox"/> No    Previous business and owner's name:										
24. List a) Owner, Spouse; b) partners, or c) Corporate Officers (Use additional Sheet if necessary)										
Name		Address of Residence			SSN		Corporate Title		% Owned	

**Jurisdiction:** In the event a Shoshone-Bannock Tribal Business License is issued, I (we) will comply with Tribal Ordinance FHBC-92-S-1 (April 15, 1992), "Tribal Business License Act". By my signature below, I hereby affirm that I agree to be bound by and will comply with all laws of the Shoshone-Bannock Tribes, and do hereby submit to the jurisdiction of the Shoshone-Bannock Tribes, and further affirm that I am authorized as the owner, partner, corporate officer, agent, or representative of the entity to sign this document, and now enter this consensual relationship with the Shoshone-Bannock Tribes, and affirm that this statement is true and correct to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_      Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_      Signature \_\_\_\_\_ Date \_\_\_\_\_



Business License Department  
SHOSHONE-BANNOCK TRIBES  
P.O. Box 808 / 14 North Mission  
Fort Hall, ID 83203  
(208) 238-0680 / Fax (208) 238-0677

25. Please check

- ☐ Yes, my company wants to be included in the Business License Directory of Fort Hall Indian Reservation, available by the Business License Department, knowing that the full extent of data published will be business name, address, phone number, Tribal SIC identifying major occupations. A signature is required for this endoresment.
- ☐ NO, my company does not wish to be included in the Business Directory of the Fort Hall Reservation.

Print or type name	Title	Date	Authorized Signature
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The following is a sample listing:

License Type	CONSTRUCTION
Company Name	Smith Construction
Company Address	30 Teepee Drive Fort Hall, ID 83203
Company Phone	(208) 237-0000
Major Occupations	1521-02 Garage Builders 1761-09 Roofing Contractors

INSTRUCTIONS

1. Mark the item identifying type of business
  - 2-3. Self-explanatory.
  4. Month the business files income tax returns on a fiscal year basis, enter the month the fiscal year ends.
  - 5-6. Self-explanatory.
  7. Mark the items that best describe(s) your purpose in filing this form. If there is a change in partners or shareholders, list the percentage of ownership change. If there is a legal name change attach a copy of proof, such as amended articles of incorporation or federal documentation.
  8. List your federal employers identification (EIN). If you have employees, you must have a federal EIN. If you are not required to have an EIN, leave this box blank.
  9. Enter you social security if the type of business entity is a sole proprietorship.
  10. List the legal name of the business. If the business is owned by a sole proprietor, insert legal owner's name.
  11. List the assumed business name/D.B.A., if different than the legal business name. (Example: Legal name Jane Smith - d.b.a. Jane's Flowers)
  12. List business address that forms and documentation will be mailed.
  13. List the business physical establishment location.
  14. List the business' physical servicing location on the Fort Hall Reservation. If you have more than one location, list them on a separate sheet of paper.
  - 15-18. Self-explanatory.
  19. Describe the specific products and or services your business will provide: For example; General Contractor-building commerical building; insurance agent/broker; retail sale of clothing; etc.
  20. Self-explanatory.
  21. Please indicate if the business is a:
    - Small Business
    - Woman Owned Business
    - Minority Owned Business
  22. Please indicate if the business:
    - TERO certified Indian Owned Buissness
    - Indian-Owned Economic Enterprise
    - Tribal Member Owned Economic Enterprise
  24. List the appropriate information:
    - a. If you marked sole proprietorship on line 1, or you have a limited liability company that has elected to be taxed as a sole proprietorship, list the name, address and social security number of the owner and spouse.
    - b. If you marked partnership on line 1, or you have or you have a limited liability company that has elected to be taxed as a partnership, list each partner's name, address and social security number, or federal EIN if the partner is not an individual. If there are more than three partners, attach an additional page.
    - c. If you marked S corporation, corporation or non-profit on line 1, or you have a limited liability company that has elected to be taxed as a corporation, list each officer's name, address, social security number, corporate title and percentage of ownership. If there are more than three officers, attach an additional page.
  25. Self-explanatory.
- THIS REGISTRATION MUST BE SIGNED AND DATED AT THE BOTTOM BY THE SOLE PROPRIETOR AND HIS OR HER SPOUSE, ALL PARTNERS OF A PARTNERSHIP, OR AN AUTHORIZED REPRESENTATIVE OF THE CORPORATION OR ENTITY.**

## BUSINESS LICENSE ROUTING LIST

**NAME:** \_\_\_\_\_

As prescribed by FHBC-92-S-1 (4/15/1992) Shoshone-Bannock Tribes Business License Act, Section 401.3 Notwithstanding subsection 1 of this section, no license shall be granted to any licensee until it has presented proof to the Business License Department that it has complied with all Tribal requirements established as conditions of commencing business on the Reservation, including but not limited to the following:

**Department Director's/Ordinance Enforcement Officials** that disapprove a business license applicant, please provide detailed reasons for decision. Business License Department (208) 238-0680 extension 102.

1. LAND USE POLICY COMMISSION (b) "pursuant to the Shoshone-Bannock Tribes Land Use Ordinance, evidence that the person is in compliance with that Ordinance and has obtained such permits and approvals required by the Ordinance." Require at least two signatures.

<input type="checkbox"/> Approve	<input type="checkbox"/> Disapprove	Chairman	_____	Date _____
<input type="checkbox"/> Approve	<input type="checkbox"/> Disapprove	Vice-Chairman	_____	Date _____
<input type="checkbox"/> Approve	<input type="checkbox"/> Disapprove	Secretary	_____	Date _____

2. Tribal Employment Rights Office. (a) "pursuant to the Shoshone-Bannock Tribes' contract and employment preference ordinance, evidence that the entity submitted to the Shoshone-Bannock Tribal Employment Rights (T.E.R.O.) the compliance plans required by that Ordinance and has had such plans approved by T.E.R.O."

☐ *Compliance Plans Complete*    ☐ *Compliance Plans not required*

Director \_\_\_\_\_ Date \_\_\_\_\_

3. Tribal Tax Department

Revenue Director \_\_\_\_\_ Date \_\_\_\_\_

4. OTHER: \_\_\_\_\_

Ordinance Manager \_\_\_\_\_ Date \_\_\_\_\_

5. OTHER: \_\_\_\_\_

Ordinance Manager \_\_\_\_\_ Date \_\_\_\_\_

6. OTHER: \_\_\_\_\_

Ordinance Manager \_\_\_\_\_ Date \_\_\_\_\_

7. Business License Department

Licensing Officer \_\_\_\_\_ Date \_\_\_\_\_